REMARKS

The present amendment is in response to the Office Action dated December 5, 2003, where the Examiner has rejected claims 1-43. By the present amendment, claim 11 is cancelled and claims 1-10, 12-14, 17, 23, 30-32, 34-35 and 37-43 are amended. Accordingly, claims 1-10 and 12-43 are pending in the present application. Reconsideration and allowance of the pending claims in view of the amendments and the following remarks are respectfully requested.

A. Objection to the Specification.

The Examiner has objected to the use of the phrase "wireless communications" and requires correction to a non-plural form of the phrase, that is, "wireless communication". Applicant asserts that the present form of the phrase is acceptable as discussed below. The phrase "wireless communications" is accepted in the art as evidenced by Appendix A. Specifically, a search in the USPTO data base on the term "wireless communications device" in the titles, only, revealed a number of issued patents utilizing the very same phrase. (See Appendix A, pages 1-2.) Further, the respected IEEE has a publication of their "IEEE Communications Society" entitled "IEEE Wireless Communications" as shown in Appendix A, pages 3-4. Still further, the Merriam-Webster OnLine Dictionary defines the plural of "communication" as "a system (as of telephones) for communicating". (See appendix A, page 3.) Yet further, section 2173.01 of the MPEP states that "[a] fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in

the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meaning in the art." (See MPEP 2173.01.) Applicant asserts that if this principle applies to the claims, then the same is extended to the description of the invention as claimed. Thus, the use of the phrase "wireless communications" is supported by industry use as well as by the principle contained in 35 U.S.C. 112.

In view of the above, no change has been made in the application, including the specification, claims, and abstract, to the phrase "wireless communications". Applicant respectfully requests the Examiner to withdraw his objection to the use of this accepted phrase.

B. Objection to Claims 1-3, 9, and 40

Regarding the Examiner's objections to claims 1, 9 and 40, the Applicant has amended the claims to correct the informalities in accordance with the claimed invention. Regarding the Examiner's objections to claims 2 and 3, Applicant asserts that the claims do not require narrowing to "flash" memory as suggested by the Examiner, as "flash memory" is not what Applicant regards as the invention, as claimed, for this specific application, as discussed further below.

C. Rejection of Claims 7 under 35 U.S.C. §112

In response to the Examiner's rejection, Applicant amends claim 7 to correct the antecedent basis error of "the first processor".

D. Rejection of Claims 1-39 and 41-43 under 35 U.S.C. §102(e)

The Examiner rejects independent claims 1, 32 and 39, and the claims dependent thereupon, under 35 U.S.C. 102(e) as being anticipated by the Kwon publication (USPN: 2003/0050087). Applicant respectfully traverses the Examiner's rejection.

To anticipate a claim under 35 U.S.C. sections 102(a), (b), or (e), the reference must teach every element of the claim. (See MPEP 2131.) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added) (Verdegaal Bros. v. Union Oil Co. of California; see also MPEP 2131.) "The identical invention must be shown in as complete detail as is contained in the ... claim." (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); see also MPEP 2131) Further any claim depending from base claims not anticipated or made obvious by the prior art also are not anticipated or made obvious by the prior art since the dependent claims comprise all of the elements of the base claims.

The Kwon publication does not teach each and every element of the independent pending claims, as discussed below. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims.

The Examiner's rejection indicates that he believes the invention as claimed relies upon NAND flash memory as the patentable element of the claim, wherein Kwon discloses use of such memory. Applicant can swear behind the September 7, 2001

effective priority date of the Kwon publication, and preserves the right to do so in a continuation application if Applicant so chooses to direct new claims to the use of NAND flash memory as the inventive element. However, the claims of the present invention are directed to a serial interface for reading non-volatile memory, which non-volatile memory may or may not be NAND flash memory. The Kwon publication does not teach the use of a serial interface, and thus, Applicant asserts that it is not necessary to swear behind the Kwon reference for the present pending claims.

a. Independent claim 1, and dependent claims 2-10 and 12-31

Independent claim 1 is not anticipated in view of Kwon since Kwon fails to teach or suggest each and every element of independent claim 1. Specifically, claim 1 comprises, among other things,

"indirectly-read memory that is not volatile".

In the Detailed Description of the Invention, page 7, second paragraph, Applicant defines "indirectly-read memory" as "clocked serial memory, clocked parallel memory, indexed addressable memory, and addressable devices that use some form of **serial interface**." (Emphasis added.) Thus, Applicant's element of indirectly-read memory is memory utilizing a serial interface. Kwon does not teach or suggest the element of an indirectly-read memory. In fact, the term "serial" is not used anywhere in the abstract, specification, or claims of the Kwon publication. This can be verified by searching the publication text available on the USPTO website. As shown in Figure 1 of the Kwon

publication, a data bus 222 (more than one signal line) as well as read 228 and write 229 control lines and a NAND control signal 219 are utilized to read data from NAND flash memory 210. This structure clearly is different from the system claimed by Applicant, and as illustrated in Figures 1-5, where a serial interface is utilized to read data from a non-volatile memory.

Thus, Applicant asserts that claim 1 (the amended claim as well as the original claim) is patentable over Kwon since Kwon does not teach every element of the claim 1, and the dependent claims 2-10 and 12-31. Applicant respectfully requests that the Examiner issue a notice of allowance for claims 1-10 and 12-31.

Further, Applicant draws attention to the fact that the amendments to independent Claim 1, and dependent claims 2-10 and 12-31, include clarifying terminology to agree with the Figures and specification, and include correcting antecedent basis and typographical errors. For example, "a first controller" is amended to be "an interface controller" to conform to the terminology illustrated in Figures 1-5. Thus, Applicant asserts that claim 1 is NOT amended to overcome the cited prior art. Further, Applicant asserts that no new matter is added to the claim 1.

b. Independent claim 32, and dependent claims 33-38

Independent claim 32 is not anticipated in view of Kwon since Kwon fails to teach or suggest each and every element of independent claim 32. Specifically, claim 32 comprises, among other things,

"providing a serial interface controller for sending a start signal to a clocked, non-addressable, non volatile memory".

Kwon does not teach or suggest the use of a serial interface controller as claimed by Applicant. Thus Kwon does not anticipate independent claim 32 under 35 U.S.C. 102(e). Applicant respectfully requests that the Examiner issue a notice of allowance for claims 32-28.

c. Independent claim 39, and dependent claims 40-43

Independent claim 39 is not anticipated in view of Kwon since Kwon fails to teach or suggest each and every element of independent claim 39. Specifically, claim 39 comprises, inter alia,

> "a serial interface controller coupled to the addressable volatile memory;
> interface logic coupled to the serial interface controller;...
> wherein the interface logic and the serial interface controller are configured to transfer the data from the indirectly-read memory to the addressable volatile memory".

Kwon does not teach or suggest the use of a serial interface controller as claimed by Applicant. Thus Kwon does not anticipate independent claim 39 under 35 U.S.C. 102(e). Accordingly, Applicant respectfully requests that the Examiner issue a notice of allowance for claims 39-43.

Further, Applicant draws attention to the fact that the amendments to independent Claim 39, and dependent claims 40-43, include clarifying terminology to agree with the Figures and specification, and include correcting antecedent basis and

typographical errors. For example, "a first controller" is amended to be "a serial interface controller" to conform to the terminology illustrated in Figures 1-5. Thus, Applicant asserts that claim 39 is NOT amended to overcome the cited prior art. Further, Applicant asserts that no new matter is added to claim 39.

E. Rejection of Claim 40 Under under 35 U.S.C. §103.

The Examiner rejects claim 40 under 35 U.S.C. §103(a) as being unpatentable over Kwon in view of "application admitted prior art". Claim 40 is dependent upon a patentable claim 39, as discussed above, and therefore is patentable. However, for completeness and clarity, Applicant traverses the Examiner's assertion that claim 40 is unpatentable in view of application admitted prior art. Applicant asserts that although converting parallel data to serial data from a memory may be known in the art, Applicant's invention of use of a serial interface coupled to an indirectly read memory (serial or parallel) is not admitted prior art. Further, as discussed above, Kwon neither teaches nor suggests the use of a serial interface as claimed by the Applicant. Thus, Applicant respectfully requests the Examiner to withdraw his rejection to claim 40 under 35 U.S.C. 103.

F. Conclusion

Applicant asserts that claims 1-10 and 12-43 are neither anticipated under 35 U.S.C. 102(e) nor obvious under 35 U.S.C. 103(a) in view of the Kwon publication as the Kwon publication does not teach or suggest each and every element of the pending

claims. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims 1-10 and 12-43.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the attorney for Applicant at the telephone number listed below.

Respectfully submitted,

Dated: March 5, 2004

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